

Order

Michigan Supreme Court
Lansing, Michigan

April 28, 2011

Robert P. Young, Jr.,
Chief Justice

142177

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 142177
COA: 299228
Berrien CC: 2009-015594-FH

DAVID IVAN FREEZE, II,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the October 14, 2010 order of the Court of Appeals is considered. We DIRECT the Berrien County Prosecuting Attorney to answer the application for leave to appeal within 28 days after the date of this order. The prosecutor is invited to address whether the Court of Appeals correctly decided *People v Fonville*, ___ Mich App ___ (Docket No. 294554, decided January 25, 2011).

The application for leave to appeal remains pending.

ZAHRA, J., did not participate because he was on the Court of Appeals panel.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 28, 2011

Corbin R. Davis

Clerk